

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-7, 9-19, and 22-24 are pending in this application. Claim 5 was objected to for an informality. Claim 12 was objected to as failing to comply with 37 C.F.R. § 1.75(a). Claims 1, 2, 10, 12-14, 22, and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 5,155,520 to Nagasaki et al. (herein "Nagasaki") in view of U.S. patent 5,365,303 to Yamasaki et al. (herein "Yamasaki"). Claims 3, 4, 6, 11, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nagasaki in view of Yamasaki and further in view of U.S. patent 5,335,032 to Onuki et al. (herein "Onuki"). Claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nagasaki in view of Yamasaki and further in view of U.S. patent 5,331,365 to Miyazawa et al. (herein "Miyazawa"). Claims 7 and 16-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nagasaki in view of Yamasaki and further in view of Miyazawa and Onuki. Claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Nagasaki in view of Yamasaki and further in view of Onuki and Miyazawa.

Addressing first the objection to claim 5, claim 5 was amended to address the objection thereto.

Addressing the objection to claim 12, claim 12 was amended to now refer to "rotation angles", to be consistent with claim 1 from which claim 12 depends.

Addressing now the rejection of claims 1, 2, 10, 12-14, 22, and 24 under 35 U.S.C. § 103(a) as unpatentable over Nagasaki in view of Yamasaki, that rejection is traversed by the present response.

Initially, applicants note that each of independent claims 1 and 13 is amended by the present response to clarify features recited therein. Specifically, independent claim 1 now clarifies that the positionable optical element is configured to be repositioned "in an XY

plane perpendicular to an optical axis of the camera”. Independent claim 1 also clarifies that the rotation regulator is configured to “rotate an image pickup device around a Z axis corresponding to the optical axis of the camera or an axis in parallel with the optical axis”. That subject matter is believed to be clear from the original specification, for example in Figures 14 and 15 showing the correction lens 122 or vari-angle prism 65 being repositioned in an XY plane, and the image pickup device 12 being rotated around a Z axis. Further, the above-noted features are believed to clearly distinguish over the applied art regardless of any possible interpretation of the teachings in the applied art to Nagasaki or Yamasaki.

Applicants respectfully submit Nagasaki does not teach or suggest that any positionable optical element is repositioned in an XY plane and an image pickup device is rotated around a Z axis. Nagasaki clearly discloses the image pickup device 2 moving in X and Y directions, see for example Nagasaki at column 8, line 23 et seq.

Moreover, no teachings in Yamasaki can overcome the above-noted deficiencies in Nagasaki.

Nagasaki is also recognized as deficient in not disclosing the use of angular velocity sensors, and to overcome such deficiencies in Nagasaki the outstanding Office Action cites the teachings in Yamasaki. However, applicants submit that such teachings in Yamasaki are not properly applicable to the teachings in Nagasaki.

The entire basis for relying on the teachings of Yamasaki is one broad sentence in Yamasaki that states “another sensor such as an acceleration sensor or an angular velocity sensor may be used to substitute the angle sensor”.¹ At most those teachings in Yamasaki disclose that in the specific device therein the angle sensor can be replaced by an acceleration sensor or an angular velocity sensor. However Nagasaki discloses the use of acceleration sensors x1, x2, x3, y1, and y2 that are used to detect specific displacements at respective

¹ Yamasaki at column 7, lines 54-57.

positions.² There is no teaching or suggestion in Yamasaki that an angular velocity sensor is an adequate substitute for an acceleration sensor used for sensing displacement such as in Nagasaki.

Stated another way, Nagasaki discloses utilizing the acceleration sensors for specifically detecting a displacement of optical lens system 1 or an image pickup element 2. No teachings at all in Yamasaki would suggest to one of ordinary skill in the art that substituting angular sensors for such acceleration sensors in Nagasaki would still provide an adequate reading of a displacement of an optical system 1 relative to an image pickup device 2, as needed in Nagasaki.

Also, to support utilizing the teachings in Yamasaki in the device of Nagasaki the outstanding Office Action states:

An advantage to using an angular velocity sensor instead of an acceleration sensor is that the calculations of the position of the lens and image sensor may be simplified, which requires fewer computations and therefore a lower hardware cost. For this reason, it would have been obvious at the time of invention to have Nagasaki's camera include angular velocity sensors.³

The above-noted basis for the outstanding rejection is not understood as the noted motivation of fewer computations and lower hardware costs is not believe to be taught or suggested in any of the cited art. It is unclear on what basis the outstanding Office Action has made the determination that substituting angular velocity sensors for the acceleration sensors in Nagasaki would provide such benefits. As noted above, it is not even apparent an angular velocity sensor could operate in the device of Nagasaki as the device of Nagasaki specifically utilizes acceleration sensors to detect displacement of two different elements of the optical lens system 1 and image pickup element 2. Applicants respectfully request that it be clearly indicated on the record where the noted motivation is coming from as it is believed

² Nagasaki at column 4, lines 61-66.

³ Office Action of December 4, 2003, page 5, third paragraph.

it is only proper if it is indicated in the references. Applicants respectfully submit it is the case that the cited art to Nagasaki and Yamasaki do not suggest the noted motivation, and thus it is unclear on what basis the noted motivation is being cited. Applicants submit no motivation in fact exist to make such a modification, and for such reasons the pending claims even further distinguish over the applied art.

In response to arguments as submitted above, the Advisory Action of July 2, 2004 states “[w]hile the motivation is not exclusively stated, the examiner is relying on knowledge generally available to one of ordinary skill in the art – specifically, knowledge of calculus and the fact that the fewer the number of computations that a processor needs to perform, the less complicated the processor needs to be, thus resulting in a lower cost.”

That basis for the outstanding rejection is not at all understood. That is, applicants respectfully request it be clearly pointed out where there is knowledge generally available in the art that angular velocity sensors are always interchangeable with acceleration sensors.

Further, under the rationale noted in the Office Action an acceleration sensor would never be utilized. The position of the previous Office Action and the Advisory Action indicates that fewer calculations are needed by an angular velocity sensor, which raises the question as to why one of ordinary skill in the art would ever use an acceleration sensor. Under the basis for the outstanding rejection the teachings in Nagasaki of utilizing an acceleration sensor are non-sensical because they require more computations. Applicants respectfully request that it again be clarified on the record where the noted motivation is provided in the prior art reference to modify Nagasaki to utilize an angular velocity sensor. Applicants submit no such motivation exists.

For the above-noted reasons, applicants submit that still the Office Action does not set forth a proper case to make such a modification, and the comments in the Advisory Action only reiterate that point.

In such ways, applicants respectfully submit that each of the pending claims patentably distinguishes over the combination of teachings of Nagasaki in view of Yamasaki.

Moreover, with respect to the further rejections based on Onuki and Miyazawa, no teachings in Onuki and Miyazawa are believed to overcome the above-noted deficiencies of Nagasaki in view of Yamasaki, and thus the further rejections are also believed to be overcome by the present response.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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